IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6532 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PATEL MOHANBHAI SAVJIBHAI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 6532 of 2004

MR PUSHPADATTA VYAS for Petitioner No. 1

MR NAGESH SUD, AGP for Respondent No. 1-2

..... for Respondent No. 3

MR PJ VYAS for Respondent No. 3/1-3/3

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 05/08/2004

ORAL JUDGEMENT

Rule. Mr.P.J.Vyas, Learned Advocate waives

service of rule for Respondent No.3/2. Mr.Sud, Ld. AGP waives service of rule for the respondent no.1 & 2.

2. What is challenged in the present Special Civil Application is the judgment and order passed by the Gujarat Revenue Tribunal dated 22.12.2003 in dismissing the Revision Application No. TEN.BA/609/1995 and only remanding Revision Application No. TEN.BA/610/1995 pertaining to Tenancy Appeal No.112 of 1994 which was before the Deputy Collector. Today, when the matter was called out, there is a consensus between the parties and it is agreed that alongwith Revision Application NO.TEN.BA/610 of 1995, Revision Application NO.TEN.BA/609 of 1995 be also remanded. Accordingly, the Deputy Collector, Land Reforms, Mehsana is directed to decide and dispose of afresh Tenancy Appeal No.57 of 1998 and Tenancy Appeal No.112 of 1994 on remand. He is directed to decide and dispose of the aforesaid two appeals afresh in accordance with law and in light of the observations made by the Gujarat Revenue Tribunal in its judgment and order dated 22.11.2003. Accordingly, the judgment and order passed by the Gujarat Revenue Tribunal in the present Special Civil Application is quashed and set aside to the aforesaid extent. Rule is made absolute to the aforesaid extent with no order as to costs.

(M.R.Shah, J)
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